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**BEFORE HON'BLE LOKAYUKTA**  
**JUSTICE MANMOHAN SARIN**  
**COMPLAINT NO. C-1240/LOK/2012**

In Re - Complaint regarding illegal construction and encroachment on Government land – Shri Bansi Lal, R/o. S-149, Pandav Nagar, Delhi 110092

-----Informant

**And**

In the matter of – Inquiry under Sec.7 r/w Sec. 2(b) of the Delhi Lokayukta & Upalokayukta Act, 1995, against Shri Sharanjeet Sharma, Ex. Municipal Councillor, Ward No. 224, R/o. 22/4 Pandav Nagar, Delhi 110092

-----Respondent

Present:-

1. Mr. Pradeep Kumar, Ex. Engineer, PWD
2. Mr. S.S. Randhir, JE (PWD)
3. Mr. Ravinder Kumar, AE (B), EDMC
4. Shri Sumer Bajaj, Advocate, Counsel for Respondent

Respondent Shri Sharanjeet Sharma has filed reply to the Show Cause Notice. Status Report has also been filed by EDMC.

Respondent admits that his wife along with two others had purchased Plot Nos. C-150 & C-151, which are alleged to be encroaching on the right of way. The PWD Engineers have produced on record the Zonal Development Plan of Zone-E, which shows that National Highway-24, on the right of way of which the above properties, among others, are constructed. A right of way of 90 Mtrs, i.e. 45 Mtrs on each side, is the area where no construction is permitted. It is not disputed before me that the said properties are located on the right of way and thus infringing the same.

Counsel for the Respondent submits that the Respondent was not aware that the properties fell on the right of way. The same was purchased in 2011. He further states that the properties had been in existence since 1952. Apart from these two properties, photographs have been annexed by Respondent to show that there is a whole range of other houses which also

fall within the right of way. Mr. Bajaj urges that no action has been taken in respect of all the other structures which infringe on the right of way.

A demolition order has been issued concerning property No. C-150 and C-151, qua, the unauthorised portion. From the photographs produced, it appears that the demolition was carried out on the third floor roof by puncturing the roof and thereafter the premises have been lying sealed since 21-11-2012. The current status report filed by MCD also carries a notation that the premises have been booked vide File No. 80/B/UC/SH(S)/2012 dated 16-01-2012 and a demolition order dated 10-02-2012 has also been passed qua the unauthorized construction.

It is not understood as to what is referred to as "qua the unauthorized construction", as once plans are not sanctioned, the entire structure becomes unauthorized. Moreover, part of the building is also built on the right of way and in which event the entire structure infringing the right of way would have to be removed.

Although the precise estimate is not available, the Engineers from PWD states that it could be from 10-14 Mtrs of width which comes within the right of way.

The progress by the Corporation has been extremely tardy as regards the other properties mentioned in the Complaint, e.g. Shop No. 5 & 6, which were alleged to be belonging to the Municipal Councillor. Reply from the Respondent does not carry any such clear denial. Deputy Commissioner, Shahdara South Zone, EDMC, shall personally review the status report dated / filed on 12-04-2012 and give an update with regard to each of the properties where notices have been served on the respected owners/occupants.

The Deputy Commissioner, Shahdara South Zone, EDMC, shall also indicate the state of construction and completion in respect of the various structures / buildings complained of since the same may even have a bearing under 'The National Capital Territory of Delhi Laws (Special Provisions) Second Bill, 2011'.

Learned Counsel for the Respondent urges that the PWD may also give its response to the Respondent's suggestion that they are willing to give an undertaking to remove the offending structures from the infringing right

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of way at their own cost as and when the expansion of highway is contemplated. The PWD may respond to the same after obtaining instructions as required from the NHAI. The Deputy Commissioner Shahdara South Zone, EDMC, would also give the latest status in respect of Plot No. D-19, B-11, B-12, B-13 & B-14 Pandav Nagar/Ganesh Nagar and submit details of their owner/occupiers as the Respondent has chosen to deny having anything to do with the same. The proposed action in respect of these properties may also be indicated.

MCD and PWD also to indicate as to the agency which would have the responsibility for demolition and removal of the properties to the extent they infringe the right of way.

Re-notify on **18-02-2013 at 2.30 PM.**

  
(JUSTICE MANMOHAN SARIN)

**LOKAYUKTA**

**Date: 18-01-2013**

Hemant